

REMARKS

In response to the above-identified Final Office Action, the Applicants present the below remarks and respectfully request reconsideration of the application, as amended, in light of these remarks. The amendments place the application in condition for allowance or in better form for appeal and, thus, shall be entered under 37 C.F.R. 1.116.

The Examiner rejected claims 1, 5, and 26 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent 5,892,900 (hereinafter Ginter). The Examiner also rejected claims 2-4, 6-13, 19-21, 27-29, and 34-34 under 35 U.S.C. 102 (b) as being anticipated by Ginter. The Examiner also rejected claims 14-18, 22-25 and 30 under 35 U.S.C. 103(a) as being unpatentable over Ginter. The Examiner also rejected claims 31-32 under 35 U.S.C. 103 (a) as being unpatentable over Ginter and further in view of U.S. Patent 6,282,713 (hereinafter Kitsukawa). The Applicants respectfully traverse these rejections for the reasons set out below.

Applicants contend that references alone or in combination do not teach or suggest all limitations of claim 1, or the other independent claims of the present application. The Applicants' arguments shall be presented with respect to claim 1. However, these comments are applicable to the other independent claims of the present application, and the Examiner is respectfully requested to consider these comments and remarks when reviewing the other independent claims for allowability.

Ginter does not teach or suggest the present invention as claimed,

A method of controlling a transaction between a receiver and a content provider occurring over a network operated by a network operator, wherein said content provider offers enhanced content programming relating to the transaction, the method comprising the steps of:

storing a receiver profile in a data base controlled by a third party, wherein said third party is coupled to said network;

intercepting a user request for the enhanced content programming, said user request originating in the receiver and directed at the content provider, wherein said intercepting step is performed by said third party;

determining if said user request for the enhanced content programming is authorized by said stored receiver profile; and

permitting the enhanced content programming to be provided to the receiver in response to the user request if the content provider is authorized by said receiver profile, wherein said permitting step is performed by said third party. (Emphasis added)

Ginter discloses a system for secure transaction management and electronic rights protection. Ginter's system utilizes a virtual distribution environment (VDE), which controls, meters and monitors use of electronically stored and disseminated information (see Abstract). The Final Office Action states on page 3, that in Ginter "when a user requests a content package ..., thus user request may be subjected to a redirection ... in order to verify that the request is authorized, by a clearinghouse ... entity." The Final Office Action cites Figure 10 and associated text of Ginter in support to the alleged redirection of user's request. However, Figure 10 and the associated text of Ginter do not disclose or suggest any redirection of user request to any third party. Ginter describes that for applications that are not "VDE aware" and therefore may not know how to directly access an interface to VDE functions provided by API, the VDE system provides a redirector 684 of Figure 10 that allows such "non-VDE aware" applications to access VDE objections and functions. The redirector translates the OS calls directed to the other OS functions into calls to the VDE functions (Columns 89-90). Ginter does not describe or suggest that the redirector redirects the user request to another entity. Moreover, "redirection" is not equivalent to "interception".

In addition, the Final Office Action cites column 316, lines 6-34 to support Examiner's conclusion that the clearinghouse system authorizes the user's request and checks it against author/provider's profile. However, the clearinghouse system is part of the VDE repository as disclosed in Column 309, lines 39-55. There is no disclosure that the clearinghouse system is a separate entity. Moreover, the clearinghouse system is accessed to determine characteristics of the author's and/or end user's account profile that may influence either the transaction associated with delivering the content to the end user

or with whether the transaction may be processed (Column 316, lines 6-22). But, Ginter does not disclose or suggest that there is determination of authorization of a content by the user profile, as claimed in the present application. Moreover, Ginter does not disclose or suggest that there is determination of whether the content is authorized by the user profile, as claimed in the present application.

Moreover, the Applicants respectfully draw Examiner's attention to 37 C.F.R. 1.104 (c) (2) and M.P.E.P § 707, which require the Examiner to designate as nearly as practical the particular part of the cited reference relied on by the Examiner when the reference is complex or shows or describes invention other than that claimed by the applicant. There is no doubt that a reference that comprises 87 figures illustrated on 163 sheets and 380 columns is complex, however, the Examiner does not cite enough passages from the reference in the section "Response to Arguments", for the Applicants to understand the reasoning that lead to Examiner's conclusions.

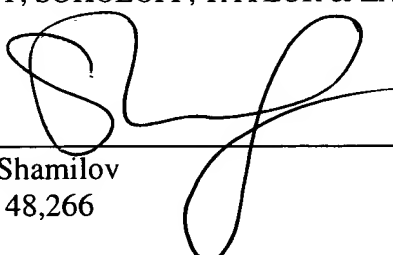
The Applicants submit that the rejection under 35 U.S.C. § 102 (b) and 103 (a) has been addressed, and withdrawal of this rejection is respectfully requested. The Applicants furthermore submit that all pending claims are in condition for allowance, which is earnestly solicited.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 20, 2003



Saina S. Shamilov
Reg. No. 48,266

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720 - 8300



MARKED UP VERSION OF THE CLAIMS

Please amend the following claims.

1. (Twice Amended) A method of controlling a transaction between a receiver and a content provider occurring over a network operated by a network operator, wherein said content provider offers enhanced content programming relating to the transaction, the method comprising the steps of:

storing a receiver profile in a data base controlled by a third party, wherein said third party is coupled to said network;

intercepting a user request for the enhanced content programming, said user request originating in the receiver and directed at the content provider, wherein said intercepting step is performed by said third party;

determining if said user request for the enhanced content programming is authorized by said stored receiver profile; and

permitting the enhanced content programming to be provided to the receiver in response to the user request if the content provider is authorized by said [user] receiver profile, wherein said permitting step is performed by said third party.

RECEIVED

JUN 26 2003

GROUP 3600